
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RESHARD BENARD,

Defendant.

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Case No. 2:09CR56 DAK

This matter is before the court on the Magistrate Judge's Report and Recommendation pertaining to Defendant's Motion to Suppress. On August 16, 2010, the Magistrate Judge issued a Report and Recommendation, recommending that Defendant's Motion to Suppress be denied. On August 31, 2010, Defendant timely filed his Objection to the Report and Recommendation.

The court has reviewed the file *de novo*, including Defendant's Objection to the Report and Recommendation (and Memorandum in Support of the Objection). Defendant argues that the evidence does not support the Magistrate Judge's findings of fact and conclusions of law.

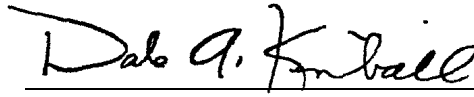
After considering the record in this case, along with the case law relating to the legal issues presented, the court agrees with the Magistrate Judge's thorough findings of fact and conclusions of law. Therefore, the court APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation [Docket No. 106] in its entirety.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Suppress [Docket No. 71] and Supplemental Motion to Suppress [Docket No. 84] are DENIED. Pursuant to 18 U.S.C. § 3161(h)(1)(D) and (H), the time from the filing of the Motion to Suppress through the

date of entry of the instant Order shall be excluded under the Speedy Trial Act.

DATED this 21st day of September, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is prominent, followed by "A." and then "Kimball". The signature is positioned above a horizontal line.

DALE A. KIMBALL

United States District Judge